

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 06-0790 C

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NEW VENTURES ASSOCIATES, LLC,

Defendant.

**JOINT MOTION BY THE PARTIES FOR ORDER ISSUING PRELIMINARY
INJUNCTION**

Pursuant to Mass. R. Civ. P. 65, the Commonwealth of Massachusetts (the “Commonwealth”) and defendant New Ventures Associates, LLC (“New Ventures”) hereby jointly move that this Court enter a preliminary injunction in the form attached hereto.

In support of this joint motion, the parties state that the Commonwealth has filed a Complaint in this action alleging that New Ventures, in the course of closing an uncapped, unlined, inactive landfill in Newburyport, violated the Solid Waste Management Act G.L. c. 111, § 150A, the Massachusetts Clean Air Act, G.L. c.111, §§ 142 A-O, and the regulations promulgated pursuant to these statutes, as well as enforcement orders issued by the Massachusetts Department of Environmental Protection (the “Department”).

While reserving the right to raise any defenses or further claims during the litigation of this action, including, without limitation, any defenses or claims raised by way of Answer, amended Complaint, motion or cross motion made by any party pursuant to Mass. R. Civ. P. 12, or Mass. R. Civ. P. 56, the Commonwealth, and New Ventures state that it is in the public

interest and the interest of the parties that this Court enter an Order issuing the preliminary injunction in the form attached hereto. Granting this joint motion is in the public interest because it will assure compliance with solid waste laws designed to promote and protect public health, safety and the environment.

WHEREFORE, the parties respectfully request that this Court allow this joint motion and issue a preliminary injunction in the form attached.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS NEW VENTURES ASSOCIATES LLC

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By its Counsel

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